

REMARKS

In response to the Office Action mailed March 5, 2007, claims 37, 40, 41 and 44-46 are pending. Applicants have amended claims 37, 41, 45 and 46. Support for all the above amendments may be found throughout the specification as originally filed. No new matter has been added. The above amendments are not to be construed as acquiescence with regard to the Examiner's rejections and are made without prejudice to prosecution of any subject matter removed or modified by this amendment in a related divisional, continuation or continuation-in-part application. Following the amendments, claims 37, 40, 41 and 44-46 are pending in the application. Favorable reconsideration of the subject application is respectfully requested in view of the above amendments and the following remarks.

Rejections Under 35 U.S.C. § 102

Claims 37 and 41 stand rejected under 35 U.S.C. § 102(e) as allegedly anticipated by Frudakis et al. (US Patent 6586570) or by Xu et al. (US Patent 6395278). Claim 37 stands further rejected under 35 U.S.C. § 102(e) as allegedly anticipated by Weaver (US Patent Application Publication No. 20020165180). Claims 45 and 46 stand rejected under 35 U.S.C. § 102(e) as allegedly anticipated by Jing (20020151695).

Applicants respectfully traverse the rejection and submit that the Examiner appears to have misinterpreted the claims. In particular, claims 37 and 41 are directed to compositions for detecting breast cancer that comprise two oligonucleotides (or oligonucleotide pairs as in claim 41), "...wherein said first oligonucleotide and said second oligonucleotide hybridize to a first polynucleotide, or the complement thereof, and to a second polynucleotide, or the complement thereof, respectively; wherein said first polynucleotide and said second polynucleotide are selected from the group consisting of the polynucleotides depicted in SEQ ID NO: 75 and SEQ ID NO: 7." The term "respectively" means that the first oligonucleotide (or oligonucleotide pair as in claim 41) hybridizes to the first polynucleotide and the second oligonucleotide hybridizes to the second polynucleotide. In other words, one oligonucleotide hybridizes to the polynucleotide of SEQ ID NO:7 and the other oligonucleotide hybridizes to the polynucleotide of SEQ ID NO: 75. None of the references cited by the Examiner discloses a

composition comprising an oligonucleotide that hybridizes to the polynucleotide of SEQ ID NO: 7 **and** an oligonucleotide that hybridizes to SEQ ID NO: 75. As such, claims 37 and 41 are not anticipated by the cited references.

Notwithstanding the above remarks, Applicants have amended claims 37 and 41 for the purposes of clarity. The claims have been amended to recite "...wherein said first oligonucleotide [pair] hybridizes to the polynucleotide provided in SEQ ID NO: 7, or the complement thereof, and the second oligonucleotide [pair] hybridizes to the polynucleotide provided in SEQ ID NO: 75, or the complement thereof.

Concerning claims 45 and 46, without acquiescing to the rejection, and solely to advance prosecution, Applicants have amended the claims to remove recitation of "oligonucleotide primer or probe of between 15 and 100 nucleotides" of SEQ ID NO:53. Therefore, the rejection has been obviated.

In view of the above amendments and remarks, Applicants submit that the rejections have been obviated. Reconsideration of the claims and withdrawal of the rejections are respectfully requested.

The Director is authorized to charge any additional fees due by way of this Amendment, or credit any overpayment, to our Deposit Account No. 19-1090.

Applicants respectfully submit that all of the claims remaining in the application are now believed to be in condition for allowance. Favorable consideration and a Notice of Allowance are earnestly solicited.

Respectfully submitted,
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